

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

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| IN RE:<br><br>MIDLAND POWER COOPERATIVE | DOCKET NO. WRU-02-3-980 |
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**ORDER GRANTING WAIVER**

(Issued February 18, 2002)

On January 29, 2002, Midland Power Cooperative (Midland) filed with the Utilities Board (Board) a request for waiver of 199 IAC 20.3(6). This rule provides that bills for large customers be rendered monthly, unless the Board grants an exemption or waiver. Midland asks for a waiver of the monthly billing rules so that it may bill one of its large customers, Enron North American Corporation (Enron), more frequently than once per month. No objections to the waiver request were filed.

On December 2, 2001, Enron filed a Chapter 11 bankruptcy petition in New York. Midland and Enron have agreed that, pursuant to a Third Addendum attached to the waiver request, Enron will pay a deposit to Midland and be billed for energy charges twice per month. Midland said the terms of the Third Addendum would allow continuation of electric service to Enron and protect other member-consumers in the event of a default.

The Board will grant the waiver. Enron has agreed to the terms of the Third Addendum. Monthly billing is not mandated by statute and allowing more frequent billing will allow service to continue to a significant customer while at the same time

protecting Midland's other member-consumers. However, the Board will limit the term of the waiver to one year from the date of this order. If at that time Midland believes that circumstances justify continuation of the waiver, Midland may file another waiver request for the Board to consider.

**IT IS THEREFORE ORDERED:**

The request for waiver filed by Midland Power Cooperative on January 29, 2002, is granted, for a period of one year from the date of this order.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

Dated at Des Moines, Iowa, this 18<sup>th</sup> day of February, 2002.